

### **REMARKS/ARGUMENTS**

Enclosed herewith is a Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address.

The specification has been amended to add a reference to the corresponding PCT and French patent applications, and to correct two typographical errors.

Dependent claim 12 has been added, and is supported in the specification on page 22, lines 3 to 14. No new matter has been added.

Dependent apparatus claim 11 has been rewritten as an independent apparatus claim.

In the Office Action dated May 11, 2006, various aspects of the wording of claim 1 were objected to. Claim 1 has been appropriately amended to overcome these objections in a self-explanatory manner. Withdrawal of this objection is respectfully requested.

Claims 4 to 11 were objected to under 37 C.F.R. § 1.75(c) as being in improper multiple dependent form. These claims have been appropriately amended to overcome this objection. Withdrawal of this objection and consideration of these claims on the merits is respectfully requested.

Claim 3 was objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of claim 2 from which it depends. In view of the cancellation of claim 3, this objection is now moot.

Claim 1 has been amended to include the limitations of dependent claim 2, now canceled.

Independent claim 1 and dependent claim 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,699,481 ("Shlomot). Shlomot is directed to the handling of bit stream frames that contain voice/speech. Shlomot takes advantage of the existence of silence during speech to provide for corrections when too many or too few frames are received in a given

time. Shlomot discloses that in such voice/speech frames “Statistically, there should be enough silence or unvoiced units in [a group of frames] to perform correction.” (Col. 7, lines 6 to 7). To shorten frames when too many are received in a given time (referred to as a “‘SLOW’ event”; col. 6, lines 38-39), frames containing silence are deleted, and to lengthen frames when too few are received in a given time (referred to as a “‘FAST’ event”; col. 6, lines 40-42), frames containing silence are repeated -- Shlomot does not disclose or suggest processing or combining frames that are not silent. (Col. 7, lines 11-12, “only silence frames can be repeated or deleted”; Col. 7, lines 20-21, “corrections happen only at silence frames”; Col. 7, line 32, “duplicating the silence or unvoiced sub-frame”).

In contrast, applicants’ invention, as recited in amended independent claim 1 is not directed solely to voice/speech frames. In particular, applicants’ claimed invention is also directed to music signals (see, for example, page 1, line 21; page 25, lines 26 to 29) in which silence frames are typically not as prevalent as in speech signals. Consequently, applicants’ claimed invention does not rely solely upon the occurrence of silent frames to shorten or lengthen a signal when transmission becomes fast or slow. Instead, and as recited in amended independent claim 1, the input signal can be modified in two ways: (1) non-active (or silent) frames can be deleted if the filling level of a buffer lies between a first threshold and a second threshold, and (2) two successive frames can be concatenated to compact them into a pseudo-frame of length less than or equal to one frame, irrespective of the content of the frames if the filling level of the buffer lies between the second threshold and a third threshold. This concatenation is implemented irrespective of the content of the frames. In contrast, when too many frames are received in a given time, Shlomot does not concatenate two successive frames into a single frame (as recited in amended claim 1). Instead, Shlomot simply deletes frames. In addition, Shlomot’s deletion of

frames is limited to the deletion of silent frames. If frames are not silent, no concatenation of any kind occurs in Shlomot. Shlomot avoids the modification or additional processing of frames that are anything other than silent. In contrast, as recited in amended independent claim 1, concatenation according to the present invention takes place "irrespective of the content of the frames."

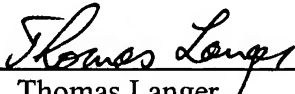
For these reasons, Shlomot does not disclose or suggest the invention recited in amended independent claim 1. None of the other cited prior art references of record supplies the limitations missing from Shlomot. For these reasons, amended independent claim 1 is patentable, and withdrawal of the rejection of claim 1 is respectfully requested.

Each of claims 4 to 12 depends from allowable independent claim 1 and, thus, is allowable therewith.

Applicants respectfully submit that this application is in condition for allowance, and such action is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN, PONTANI, LIEBERMAN & PAVANE LLP

By   
Thomas Langer  
Reg. No. 27,264  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: October 11, 2006

#10090